

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	4-12-CR-249-Y
)	
STEPHAN HAMILTON (01))	

**MOTION TO WITHDRAW BASED ON CONFLICT OF INTEREST
AND MEMORANDUM**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, PETER FLEURY, attorney for STEPHAN HAMILTON, and moves that the Federal Public Defender be permitted to withdraw as attorney for Defendant in the above-entitled and numbered cause and in support thereof would show unto the Court as follows:

Trial in this case is set for September 23, 2013. Hamilton is charged with conspiracy to possess with intent to distribute methamphetamine. Subsequent events have created a conflict. The Federal Public Defender currently represents multiple clients, including Hamilton, who are either allegedly or suspected to be a participant, victim, or witness to a serious physical altercation which recently took place at FCI Fort Worth. The BOP is actively investigating this incident, as at least one client sustained significant injuries from the altercation. Counsel has been informed that the matter will be referred to the U.S. Attorney's Office for potential criminal prosecution.

Hamilton has been identified by the government as an individual known or suspected to be a participant, victim or witness to this incident. Therefore, the Federal Public Defender respectfully moves to withdraw as counsel from him. It further requests that new counsel be appointed to represent him.

The motion does not contain a signature of the defendant because the motion is not based on

the client's wishes or desires, such as with the hiring of new counsel. Rather, the motion is compelled by the rules of ethics.

WHEREFORE, PREMISES CONSIDERED, counsel prays that this Honorable Court grant this request for the Federal Public Defender to withdraw and to appoint new counsel to represent Hamilton.

Respectfully submitted,

G. PATRICK BLACK
Federal Public Defender
Northern District of Texas

BY: /s/ Peter Fleury
PETER FLEURY
Asst. Federal Public Defender
TX State Bar No. 00786423
819 Taylor Street, Room 9A10
Fort Worth, TX 76102-6114
817/978-2753

CERTIFICATE OF CONFERENCE

I hereby certify that I, PETER FLEURY, attorney for defendant, have conferred with March Nichols, in place of Chris Wolfe, the Assistant United States Attorney assigned to this matter, and he informed the government is not opposed to this motion.

/s/ Peter Fleury
PETER FLEURY

CERTIFICATE OF SERVICE

I, Peter Fleury, hereby certify that on August 9, 2013, I electronically filed the foregoing motion to withdraw with the clerk for the U.S. District Court, Northern District of Texas, using the electronic filing system for the court. The electronic case filing system sent a "Notice of Electronic Filing" to AUSA Chris Wolfe, who presumably has consented in writing to accept this Notice as service of this document by electronic means.

/s/ Peter Fleury
PETER FLEURY